



Journal of the House

State of Indiana

115th General Assembly

Second Regular Session

Sixth Meeting Day

Wednesday Afternoon

January 16, 2008

The House convened at 1:00 p.m. with Speaker B. Patrick Bauer in the Chair.

The Speaker read a prayer for wisdom and service (printed January 10, 2008).

The Pledge of Allegiance to the Flag was led by Representative E. Harris.

The Speaker ordered the roll of the House to be called:

Austin	Hinkle
Avery	Hoy
Bardon ☐	Kersey
Bartlett	Klinker
Battles	Knollman
Behning	Koch
Bell	L. Lawson
Bischoff	Lehe
Blanton	Leonard
Borders	Lutz
Borror	Mays
Bosma	McClain
C. Brown	Micon
T. Brown	Moses
Buck	Murphy
Buell	Neese ☐
Burton	Niezgodski
Candelaria Reardon	Noe
Cheatham	Orentlicher
Cherry	Oxley
Cochran	Pelath
Crawford	Pflum
Crooks	Pierce
Crouch	Pond
Davis	Porter
Day	Reske
Dembowski	Richardson
Dermody	Ripley
Dobis	Robertson
Dodge	Ruppel ☐
Duncan	Saunders
Dvorak	Simms
Eberhart	M. Smith
Elrod	V. Smith
Espich	Soliday
Foley	Stemler
Friend	Steuerwald
Frizzell	Stevenson
Fry	Stilwell
GiaQuinta	Stutzman
Goodin	Summers
Grubb	Thomas ☐
Gutwein	Thompson
E. Harris	Tincher
T. Harris	Torr
Herrell	Turner

Tyler
Ulmer
VanDenburgh
VanHaaften

Walorski
Welch
Wolkins ☐
Mr. Speaker

Roll Call 13: 95 present; 4 excused; 1 absent. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused and ☐ indicates those who were absent.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, January 17, 2008, at 1:00 p.m.

GIA QUINTA

Motion prevailed.

INTRODUCTION OF BILLS

The following bills were read a first time by title and referred to the respective committees:

HB 1227 — E. Harris, Pelath, Soliday
Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1346 — Burton
Committee on Financial Institutions

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

HB 1347 — Leonard
Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

HB 1348 — Noe
Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1350 — Noe
Committee on Interstate and International Cooperation

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1351 — Wolkins, Friend, Herrell, Gutwein
Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1352 — Stutzman
Committee on Ways and Means

A BILL FOR AN ACT concerning taxation and to make an appropriation.

HB 1354 — Walorski, Friend
Committee on Ways and Means

A BILL FOR AN ACT concerning state offices and administration and to make an appropriation.

HB 1355 — Walorski, Friend
Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1356 — Bardon, Hoy
Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning trusts and fiduciaries.

HB 1357 — Bardon
Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1358 — Bardon
Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

HB 1359 — Bardon
Committee on Financial Institutions

A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

HB 1360 — Bardon
Committee on Financial Institutions

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

HB 1361 — C. Brown
Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1362 — C. Brown
Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1365 — Turner, C. Brown, T. Brown, Buell
Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1366 — Stilwell
Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1367 — Murphy
Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning property taxation.

HB 1368 — Pond
Committee on Environmental Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

HB 1369 — Davis
Committee on Judiciary

A BILL FOR AN ACT to repeal a provision of the Indiana Code concerning criminal law and procedure.

HB 1370 — Pierce
Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1373 — Behning
Committee on Elections and Apportionment

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1374 — Stilwell
Committee on Labor and Employment

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1375 — Buell, Niezgodski
Committee on Labor and Employment

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

HB 1376 — Bell
Committee on Family, Children and Human Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1377 — Bell
Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1378 — Ripley
Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

HB 1379 — Ripley, Fry
Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1382 — Bosma, Davis
Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly and to make an appropriation.

HB 1383 — Bosma, Crooks
Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code concerning the General Assembly.

HB 1384 — Bosma, T. Harris
Committee on Labor and Employment

A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

HB 1385 — Noe
Committee on Interstate and International Cooperation

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

HB 1386 — Borders
Committee on Veterans Affairs and Public Safety
A BILL FOR AN ACT concerning public safety.

HB 1387 — Borders
Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

INTRODUCTION OF JOINT RESOLUTIONS

The following joint resolutions were read a first time by title and referred to the respective committees:

HJR 6 — Foley

Committee on Rules and Legislative Procedures

A JOINT RESOLUTION requesting Congress to call a constitutional convention for the purpose of proposing an amendment to the Constitution of the United States concerning congressional apportionment.

*Be it resolved by the General Assembly
of the State of Indiana:*

SECTION 1. That the general assembly of Indiana makes application to the Congress of the United States for a convention under Article V of the Constitution of the United States for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to apportion representatives among the states according to their respective numbers, which shall be determined by counting the number of persons in each state who are citizens of the United States.

SECTION 2. That certified copies of this resolution be sent to the presiding officers of the Congress of the United States, to the Secretary of the Senate and the Clerk of the United States House of Representatives, to the presiding officer of each chamber of each state legislature in the United States, and to the members of the Congress of the United States from Indiana.

HJR 7 — Foley

Committee on Rules and Legislative Procedures

A JOINT RESOLUTION proposing an amendment to Article 4 of the Indiana Constitution concerning elections.

*Be it resolved by the General Assembly
of the State of Indiana:*

SECTION 1. ARTICLE 4, SECTION 5 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 5. The General Assembly elected during the year in which a federal decennial census is taken shall fix by law the number of Senators and Representatives and apportion them among districts according to the number of ~~inhabitants~~ **United States citizens** in each district, as revealed by that federal decennial census. The territory in each district shall be contiguous.

REPORTS FROM COMMITTEES**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1016, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

L. LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1019, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-10.2-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]: Sec. 6. (a) A member who becomes disabled while receiving a salary or employer provided income protection benefits or who is on leave under the Family and Medical Leave Act may retire for the duration of ~~his~~ **the member's** disability if:

(1) the member has at least five (5) years of creditable service before the:

(A) termination of a salary or employer provided income protection benefits or Family and Medical Leave Act leave; or

(B) exhaustion of all worker's compensation benefits;

(2) the member has qualified for Social Security disability benefits and has furnished proof of the Social Security qualification to the board; and

(3) at least once each year until the member reaches age sixty-five (65) a representative of the board verifies the continued disability.

For the purposes of this section, a member of the public employees' retirement fund who has qualified for disability benefits under the federal civil service system is considered to have met the requirement of subdivision (2) if ~~he~~ **the member** furnishes proof of the qualification to the board of the public employees' retirement fund.

(b) Benefits for disability shall be paid beginning with the month following the onset of disability as determined by the Social Security Administration. The benefit is the retirement benefit specified in section 4 of this chapter with the pension computed using only the years of creditable service worked to the date of disability and without reduction for early retirement. However, the monthly disability retirement benefit may not be less than one hundred ~~eighty~~ **eighty** dollars (~~\$100~~; **\$180**).

(c) The member may have ~~his~~ **the member's** benefit paid under any of the retirement benefit options specified in section 7 of this chapter, except that the member may not choose to have the member's disability retirement benefit paid under the method specified under section 7(b)(3) of this chapter.

(d) This section applies to:

(1) a member of the public employees' retirement fund who became disabled after June 30, 1973; and

(2) a member of the Indiana state teachers' retirement fund who becomes disabled after June 30, 1984, and who chooses disability retirement under this section.

(e) To the extent required by the Americans with Disabilities Act (42 U.S.C. 12101 et seq.) and any amendments and regulations to the Act, the transcripts, records, and other material compiled to determine the existence of a disability shall be:

(1) kept in separate medical files for each member; and

(2) treated as confidential medical records.

(f) A member may continue to receive disability benefits from the public employees' retirement fund or the Indiana state teachers' retirement fund so long as the member is entitled to receive Social Security benefits, including periods of trial employment or rehabilitation under the Social Security guidelines. However, during a period of trial employment or rehabilitation, service credit may not be granted under the public employees' retirement fund or the Indiana state teachers' retirement fund.

(g) If the fund is authorized to make, in the form of a single check or a series of checks, a one (1) time distribution that does not increase the pension portion of the monthly benefit, the distribution must include members eligible for disability benefits. A member eligible for disability benefits is required to meet all additional requirements necessary to receive the check or series of checks issued by the fund under this subsection.

SECTION 2. [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)] **IC 5-10.2-4-6, as amended by this act, applies to disability retirement benefits payable by the Indiana state teachers' retirement fund and the public employees' retirement fund after December 31, 2007."**

Page 1, after line 17, begin a new paragraph and insert:

"SECTION 4. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1019 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 21, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1122, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 22, delete "detain" and insert "**house or hold**".

Page 3, line 23, after "representative" insert "**or designee**".

(Reference is to HB 1122 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

L. LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1125, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 20, nays 0.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1146, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

L. LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1168, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 5.

PFLUM, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and Development, to which was referred House Bill 1197, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 12, before "mitigate" insert "**prevent and**".

(Reference is to HB 1197 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

RESKE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and Development, to which was referred House Bill 1204, has had the same under consideration and begs leave to report the same

back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-1-34-17, AS AMENDED BY P.L.1-2007, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) Not later than fifteen (15) business days after the commission receives an application under section 16 of this chapter, the commission shall determine whether the application is complete and properly verified. If the commission determines that the application is incomplete or is not properly verified, the commission shall notify the applicant of the deficiency and allow the applicant to resubmit the application after correcting the deficiency. If the commission determines that the application is complete and properly verified, the commission shall issue the applicant a certificate of franchise authority. A certificate issued under this section must contain:

(1) a grant of authority to provide the video service requested in the application;

(2) a grant of authority to use and occupy public rights-of-way in the delivery of the video service, subject to:

(A) state and local laws and regulations governing the use and occupancy of public rights-of-way; and

(B) the police powers of local units to enforce local ordinances and regulations governing the use and occupancy of public rights-of-way; ~~and~~

(3) a statement that the authority granted under subdivisions (1) and (2) is subject to the holder's lawful provision and operation of the video service; ~~and~~

(4) a statement that the authority granted under subdivisions (1) and (2) is subject to an emergency video override ordinance adopted by a unit under IC 36-1-4-20.

(b) Except as provided in subsection (c) and sections 16(c) and 28 of this chapter, the commission may not require a provider to:

(1) satisfy any build-out requirements;

(2) deploy, or make investments in, any infrastructure, facilities, or equipment; or

(3) pay an application fee, a document fee, a state franchise fee, a service charge, or any fee other than the franchise fee paid to a local unit under section 24 of this chapter;

as a condition of receiving or holding a certificate under this chapter.

(c) This section does not limit the commission's right to enforce any obligation described in subsection (b) that a provider is subject to under the terms of a settlement agreement approved by the commission before July 29, 2004.

(d) The general assembly, a state agency, or a unit may not adopt a law, rule, ordinance, or regulation governing the use and occupancy of public rights-of-way that:

(1) discriminates against any provider, or is unduly burdensome with respect to any provider, based on the particular facilities or technology used by the provider to deliver video service; or

(2) allows a video service system owned or operated by a unit to use or occupy public rights-of-way on terms or conditions more favorable or less burdensome than those that apply to other providers.

A law, a rule, an ordinance, or a regulation that violates this subsection is void."

Page 3, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 3. IC 36-1-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies to all units.

(b) ~~Section Sections 11 and 20~~ of this chapter ~~does do~~ not

apply to townships.

SECTION 4. IC 36-1-4-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 20. (a) As used in this section, "emergency video override" means the interruption of video programming with:**

**(1) video programming on at least one (1) channel; and
(2) an audio message on all channels simultaneously; created to alert viewers of an emergency or a disaster.**

(b) As used in this section, "franchise holder" refers to:
(1) a holder of a certificate of franchise authority issued by the Indiana utility regulatory commission under IC 8-1-34-17; or
(2) a holder of a local franchise (as defined in IC 8-1-34-8) that is in effect on March 14, 2008.

(c) A unit that is included, in whole or in part, in the service area of a franchise holder may adopt an ordinance requiring the franchise holder to provide the unit with the equipment necessary to allow the unit to provide both:

**(1) visual and auditory emergency information; and
(2) instructions to viewers;**

during an emergency or a disaster through an emergency video override.

(d) An ordinance adopted under this section may set forth rules and procedures for the operation of the emergency video override, including activation points."

Page 3, after line 14, begin a new paragraph and insert:

"SECTION 6. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1204 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 1.

RESKE, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 5

The Speaker handed down Senate Concurrent Resolution 5, sponsored by Representatives Stemler and Leonard:

A CONCURRENT RESOLUTION urging the Indiana Department of Natural Resources to include in its budget the necessary funds to help finance the expansion of the Falls of the Ohio State Park Interpretive Center.

Whereas, One of the great wonders of the natural world exists at the Falls of the Ohio;

Whereas, The Falls of the Ohio stands as proof that an ocean and coral reef existed more than 350 million years ago in Clark County;

Whereas, Today the coral reef stretches from Louisville to Indianapolis, exposed only at the Falls of the Ohio and a few limestone quarries in Indiana;

Whereas, The Falls of the Ohio is the only place in the world where such a large, exposed fossil reef of this period exists;

Whereas, More than 220 acres of exposed, Devonian age fossil beds make up the Falls of the Ohio, the site of the Falls of the Ohio State Park;

Whereas, In 1966, the National Park Service designated the Falls of the Ohio as a National Natural Landmark;

Whereas, In addition to the great natural wonder that exists at the Falls of the Ohio, it is also the place where, in October 1803, Meriwether Lewis and William Clark first came together to plan and prepare for their expedition west;

Whereas, The Corps of Discovery departed for the West from Clarksville, Indiana, on October 26, 1803;

Whereas, On July 13, 2001, the National Park Service certified the Falls of the Ohio State Park as an official Lewis and Clark site associated with the Lewis and Clark National Historic Trail;

Whereas, The Falls of the Ohio Foundation began in 1987 to promote, protect, and educate people about the Falls of the Ohio;

Whereas, The Falls of the Ohio Foundation led a campaign to raise money to build the Falls of the Ohio Interpretive Center;

Whereas, The \$6.9 million Falls of the Ohio Interpretive Center was opened in 1994;

Whereas, The Falls of the Ohio Foundation donated the Interpretive Center to the Indiana Department of Natural Resources;

Whereas, The Falls of the Ohio Interpretive Center is in need of expansion and remodeling;

Whereas, The Falls of the Ohio Foundation has begun a new campaign to raise money to expand and remodel the Interpretive Center;

Whereas, The members of the Natural Resources Study Committee have considered and adopted this resolution; and

Whereas, Through the efforts of park staff and the Falls of the Ohio Interpretive Center, Hoosiers and visitors to our state will have the opportunity to view one of the great natural wonders of the world and to become more aware of the historical events that took place in the area that is now the Falls of the Ohio State Park: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes the importance of the Falls of the Ohio State Park Interpretive Center to today's Hoosiers and to future generations.

SECTION 2. That the Indiana General Assembly encourages the Indiana Department of Natural Resources to request funds for the expansion of the Falls of the Ohio Interpretive Center in the department's 2009-2011 budget request.

SECTION 3. That copies of this resolution be transmitted by the Secretary of the Senate to the Director of the Indiana Department of Natural Resources and the President of the Falls of the Ohio Foundation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

The House recessed until the fall of the gavel.

RECESS

JOINT CONVENTION

The members of the 115th General Assembly, meeting in Joint Convention, were called to order at 1:50 p.m. by the Speaker.

The Speaker introduced Governor Mitch Daniels; Lieutenant Governor Becky Skillman; the Senate leadership, President Pro Tempore David C. Long, Majority Floor Leader Connie Lawson, Majority Caucus Chair James W. Merritt, Jr., Minority Floor Leader Richard D. Young, and Assistant Minority Floor Leader Vi Simpson; the House leadership, Majority Floor Leader Russell L. Stilwell, Majority Caucus Chair F. Dale Grubb, Speaker Pro Tempore Chester F. Dobis, Minority Leader Brian C. Bosma, Minority Floor Leader William C. Friend, and

Minority Caucus Chair Kathy Kreag Richardson; and the honored guests as follows: Amy MacDonell Shepard, wife of Chief Justice Shepard; Mattie Shepard, daughter of Chief Justice Shepard; Mary Kay Orr, wife of the late Governor Robert D. Orr; Denise Rucker, wife of Justice Robert Rucker; Cheryl Sullivan, wife of Justice Frank Sullivan, Jr.; Jan Dickson, wife of Justice Brent Dickson; Attorney General Steve Carter; Mrs. Susan Carpenter, Indiana Public Defender; Tim Berry, Auditor of State; Indiana State Bar Association President Doug Church; Kevin McGoff, Indianapolis Bar Association President; Ryan Gardner, Marion County Bar Association Vice President; Indiana State Bar Association President-elect R. William Jonas, Jr.; Executive Director of the Indiana State Bar Association Tom Pyrzi; Daniel Buba, Indianapolis Bar Association President-elect; Julie Armstrong, Executive Director of the Indianapolis Bar Association; and Dr. Daryl Yost and James Young, members of the Indiana Judicial Qualifications Commission; and Professor Matthew J. Barrett, University of Notre Dame Law School.

Chief Justice Shepard was escorted to the rostrum by Representatives Blanton, Hoy, Steuerwald, and Elrod and Senators Steele, Kruse, Tallian, and Breaux.

The Speaker introduced Justices Brent Dickson, Frank Sullivan, Jr., Ted Boehm, and Robert Rucker of the Indiana Supreme Court; Chief Judge John G. Baker, Judge John T. Sharpnack, Judge Edward W. Najam, Jr., Judge Ezra Friedlander, Judge Carr L. Darden, Judge Mark Bailey, Judge Melissa S. May, Judge Margaret G. Robb, Judge Nancy H. Vaidik, Judge Paul D. Mathias, Judge Michael P. Barnes, Judge Terry A. Crone, and Judge Cale Bradford of the Indiana Court of Appeals.

The Speaker yielded the gavel to Lieutenant Governor Becky Skillman, President of the Senate, who convened the joint session and presented the Chief Justice as follows:

"Members of the Joint Assembly: Pursuant to Section 3 of Article 7 of the Constitution of the State of Indiana, this joint session of the two houses of the Indiana General Assembly is now convened for the purpose of hearing a message from the Chief Justice of the Supreme Court of the State of Indiana.

It is my privilege to present to you the distinguished Chief Justice of the Supreme Court, the Honorable Randall T. Shepard."

"A Court System with Reform in its Heart"

Governor Daniels and Members of the General Assembly:

My exertion over the last few months as respects reform in local government obliges me to report on what we're doing to reform Indiana's courts. What have we in the courts changed and what can we change to provide thoughtful and expeditious justice to the 6.3 million people who call Indiana home.

In contemplating the changes we are making, I especially thought of the many ways that Indiana's courts are seeking to serve better by embracing technology. Technology is perhaps the dominant story line of our age, in some ways a story about the generations. My grandmother used to tell me about the day when electricity came to town; my daughter Mattie has no memory of the day before laptops.

This will not be a report about bytes and bandwidth, but rather about what we can do that will actually make a difference in the lives of people.

For example, how can we do better at combating the scourge of domestic violence? A good many of society's institutions are engaged on this front, from police officers to prosecutors to social agencies to shelter sponsors. To be sure, the court system metes out punishment after the fact through criminal prosecution, but in the field of prevention, one of the leading tools is the protective order, which seeks to keep the abuser separated from potential victims. When a woman or child is threatened by the abusing boyfriend or the ex-husband, and a patrolman answers to a call of domestic disturbance, when that moment of truth is at hand, how does the officer sort out the situation at the scene? Should the boyfriend even be there? How does the officer know whether the boyfriend is there in violation of a protective order, subject to arrest under a criminal statute you've recently toughened up.

It used to be that the officer could verify the existence of a protective order only by calling the county clerk's office, assuming the confrontation occurred during business hours. These gaps in information have sometimes resulted in tragedy.

Soon, every officer in the state will be able to access every protective order around the clock and virtually from the moment it is issued. We are more than halfway through installing a statewide registry that immediately sends these orders directly to the local police and sheriff's department (and enters them into the databases of the Indiana State Police and the FBI for good measure) so responding officers can act on them at the scene. No one doubts that this change, made possible through technology, will literally save life and limb for endangered women and children.

Combating Drunk Driving

And so it is with impaired driving. When the police arrest someone for drunk driving and they appear in court, the court suspends that person's license pending trial. From time immemorial, the news of that suspension went to the Bureau of Motor Vehicles by sending paper through the mail, so it was weeks before the suspension showed up in the computers. It was entirely possible for a drunk driver to leave the courtroom, get behind the wheel of his car and head for the nearest tavern. An officer who stopped him for, say, a taillight violation, would check the computer, see the driver's license as being in good standing, issue a taillight citation, and send the potential drunk driver on his way.

As recently as two years ago, this was exactly the sort of thing that could happen most places in Indiana, because most suspension orders went to Indianapolis by hard copy. Now, ninety-five percent of the state's courts send that information by computer directly to BMV and law enforcement agencies. There can be no doubt that people who would otherwise have been the victims of drunk drivers are alive today because of this reform in the court information system.

And, so it will soon be with another kind of tragedy. We all cringe on those occasions when a state trooper or a local law enforcement officer is injured or even killed while writing a traffic citation at the roadside a few feet away from motorists passing by at 60 or 70 miles per hour.

Within the last few months, we launched an electronic citation system that uses hand-held equipment like that you see at rental-car agencies. Officers can scan the bar code on the back of a driver's license to create a ticket in five or six minutes rather than hand writing one in fifteen or twenty. It's the result of collaboration with the State Police, the BMV, the Criminal Justice Institute, and the judicial branch. The General Assembly

has supported this project by making certain statutory changes, and the collaboration between the executive branch and the courts has been superb. There can't be a state where the three branches work in closer harmony on such projects. Because of this cooperation we'll get the officers and the drivers off the shoulder faster and everybody will be safer.

Faster Child Support

In yet another field, people who experience disintegration of a family rely on courts in a host of ways. To name but one, families, mostly the women and children, face hard times until they can get into court and obtain an order for child support. Our child support guidelines have helped move that along because lawyers handling divorces can estimate how much support a court is likely to order, depending on family income and expenses. What's new is that parents can now calculate that for themselves, over the internet. Last year, about 800 people a day did just that. It promotes settlement, reduces litigation, saves time, and translates into faster help for children in need.

That's a good story about simplifying, but there are still lots of things that can be confusing and difficult for people working their way through the courts. I'll mention three examples.

How do people summoned for jury duty know where in the courthouse to report? If you want to file a small claim on your own, how do you learn how to do that? If you forget your hearing date, how do you find out when you are due in court?

People who are going to the courthouse can now find their way through virtual courthouse tours, available so far in twenty-one counties. The internet program walks you through the building and guides you to the right room.

If you need to file something on your own, the Indiana court webpages will show you how to complete certain simple transactions, like uncontested divorces or name changes. We supply standard forms for those kinds of straightforward legal matters, and last year people downloaded 528,000 of them before going to court.

One Case Management System

And, as for problems like forgetting your court date, we are on the brink of something much bigger and more far-reaching: a twenty-first century case management system that connects all Indiana courts to each other and to state agencies that need and use court information. And 2007 was a watershed year for that initiative.

Three weeks ago Monday, ten Indiana courts, nine in Monroe County and the Washington Township Small Claims Court in Marion County, began using a new system (it's called "Odyssey") that provides internet access to all manner of case information, scheduling, court rulings, financial calculations made by county clerks, nearly everything about the 1.8 million cases filed in our state each year. Turning this system on for testing by real live court personnel reflected years of work by everyone from judges to clerks to prosecutors and, of course, technology experts. It will vastly improve the work we do in sentencing criminals, administering estates, collecting taxes, pursuing child support, and all the other things that people rely on courts to do for society.

This is all not just pushing a button. As Judge Ken Todd said to me last week, only when you see a change of this scale in action can you begin to appreciate the effort required. This massive undertaking has many hands on the lever, especially

leaders like Lilly Judson and Mary DePrez, and others supporting our State Court Administration and our Judicial Technology and Automation Committee. People like Paul Mathias, Jeff Dywan, Andy Cain, Donna Edgar, John Kellam, Mary Wilson, our lead contractor Tyler Technologies, represented today by Kristin Wheeler, and the Daniels administration's Indiana Office of Technology, and the many legislators who carried or supported bills. The heroes in Monroe County include Chief Judge Ken Todd and his colleagues, County Clerk Jim Fielder, and the Prosecutor Chris Gaal. In Washington Township, our heroes include Judge Kimberly Brown of the Small Claims Court.

And, finally, the individual whom everyone involved recognizes as having supplied the vision and the acumen and the monumental commitment to make all this happen: Justice Frank Sullivan, Jr.

I used the word heroes a moment ago because we don't call these pilot courts for nothing. These partners are working out the kinks for all of us. This is the most massive venture in the history of the Indiana court system, and the benefits to our citizens will exceed even the many we can already identify.

Reform in Many Fields

And there are a host of other initiatives, some using technology and others not, that reflect a court system with reform in its heart.

- In Steuben County and many others an automated telephone link advises potential jurors if their trial is still on schedule, so they can go to work instead of trudging to the courthouse only to learn the trial has been settled or postponed.
- In Indianapolis, a GPS system called Sentinel protects domestic violence victims before and after trial. The defendant and the alleged victim each receive a handset similar to a cell phone, keyed to areas the defendant cannot visit. If the defendant comes near the victim, an alert warning goes off. In one case, the defendant was arrested 31 minutes after the alert.
- In Noble County and others, television or the internet links the courthouse and the jail and many DOC facilities so arraignments, conferences, and hearings can be conducted by video.
- The Hendricks County courts are about to open a work release center with space for educational classes and substance abuse counseling, saving taxpayer dollars because inmates pay to serve there and because it frees up jail cells.
- Marion County has devised an interactive system to handle the 10,000 probationers required to call in every day to learn if they are one of the 500 randomly selected for drug tests the next day. The number is easy to remember, 327-DRUG.
- Problem-solving courts represent a new technique of intensive intervention in specific problems. Vanderburgh and Dubois and Monroe and twenty-five other counties now have drug courts. A recent independent evaluation of Monroe County showed a 66% reduction in recidivism. Madison County is planning for a re-entry court based on the model invented in Fort Wayne that helps inmates reintegrate after returning from prison.
- Benton County and scores of others take our nationally-recognized jury pool list, feed it to their own database, and

reach 99% of the eligible citizens in the county.

- Our Judicial Conference has launched an initiative to plan ahead for how courts will be ready for the retirement of the Baby Boom generation.
- We began offering county clerks a jury management system to use in the 2,000 jury trials we conduct each year.
- We signed on to be your partners in the new “Indiana Channel” and published and posted a host of materials to promote the study of civics and citizenship in schools.
- In Lake County, with JTAC help, a new case management system is upgrading operation of the city and town courts. The Lake County Clerk’s office has introduced on-line payment for traffic violations. Lake County will soon become our first county to begin electronic filing.
- We’re about to pilot plans for operating local courts after disasters like tornadoes and floods.
- We celebrated the tenth anniversary of Indiana CLEO that helps minority and disadvantaged students become lawyers (and learned that New York has launched a similar initiative).
- We’re at work recruiting and training a record number of volunteer advocates for abused and neglected children, with help from the Indiana Retired Teachers Association.
- We’re modernizing the code of ethics for judges (ethics is important for lawyers and judges, who spent 27,000 hours in classrooms studying how to do right).
- We’ve quadrupled the number of trained mediators who help people resolve their disputes without the cost of litigation (and established a new record of counties where mediation is free).
- We devised a new system that will assure felons on probation who move from one county to the next can be monitored in the places where they live and work.

Conclusion

In short, this is a judiciary with reform in its heart, its feet on the ground, and its mind focused on its customers. I thank you for helping us make it so.

And, that, ladies and gentlemen, is the state of your judiciary."

The President of the Senate adjourned the joint convention.

The House reconvened at 2:20 p.m. with the Speaker in the Chair.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Reassignments

The Speaker announced the reassignment of House Bill 1329 from the Committee on Judiciary to the Committee on Technology, Research and Development.

HOUSE MOTION

Mr. Speaker: I move that Representatives Welch and Buell added as coauthors of House Bill 1019.

AVERY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dermody added as coauthor of House Bill 1197.

PIERCE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Buck added as coauthor of House Bill 1202.

STILWELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bell added as coauthor of House Bill 1224.

VAN HAAFTEN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch added as coauthor of House Bill 1274.

TINCHER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Cheatham added as coauthor of House Bill 1285.

BURTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative GiaQuinta added as coauthor of House Bill 1347.

LEONARD

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Simms, the House adjourned at 2:25 p.m., this sixteenth day of January, 2008, until Thursday, January 17, 2008, at 1:00 p.m.

B. PATRICK BAUER

Speaker of the House of Representatives

CLINTON McKAY

Principal Clerk of the House of Representatives